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Following inspection, Hawai'i Department of Health issues Notice of Violation and Order to U.S. Navy with over \$325,000 in penalties

Violations uncovered during 2020 DOH inspection of Red Hill, result of stronger federal & state regulations to protect environment

HONOLULU – The Hawai'i Department of Health (DOH) Environmental Health Administration issued Notice of Violation and Order (NOVO) No. 21-UST-EA-01 to the U.S. Navy for violations related to operation and maintenance of the Red Hill Bulk Fuel Storage Facility on Oahu.

The violations were discovered during a routine DOH compliance inspection that took place from Sept. 28, 2020 through Oct. 9, 2020. The NOVO consists of five counts with a total penalty in the amount of \$325,182.

DOH regulates underground storage tank (UST) systems in the State of Hawai'i, having been authorized by the U.S. Environmental Protection Agency (EPA) to run an approved state program since 2002. In 2015, EPA strengthened its regulations governing the operation and maintenance of UST systems. These updates also brought UST systems with field-constructed tanks under full regulation for the first time. In 2018, in accordance with federal rules for state program approval, DOH adopted EPA's updates and additional requirements to make the state rules more environmentally protective.

"The state's effort to strengthen regulations around inspection and monitoring was critical to identifying these violations and ensuring that underground storage tanks are maintained safely," said **Deputy Director of Environmental Health Kathleen Ho**. "DOH will continue to enforce all regulations to protect Hawai'i residents and our environment."

The inspection that began on Sept. 28, 2020 was the first inspection of the Red Hill Bulk Fuel Storage Facility UST system conducted under these new rules. DOH has completed review of documentation associated with the inspection, identified areas of non-compliance and issued this NOVO expeditiously, given the size and complexity of the UST system.

The five counts in the NOVO are:

- Failure to operate and maintain ongoing corrosion protection to metal components of the portion of the Navy's tank and piping that contain regulated substances and are in contact with the ground. This violation resulted in a \$30,000 penalty;
- Failure to perform line tightness testing of repaired piping before return to service resulted in a \$179,982 penalty;
- Failure to perform an annual liquid tightness test on spill prevention equipment to prevent releases to the environment. This resulted in a penalty of \$22,950;
- Failure to perform an adequate visual walkthrough inspection of hydrant pits, resulting in a penalty of \$2,250; and
- Failure to maintain adequate release detection for two double-walled underground product recovery storage tanks. This penalty amounted to \$90,000.

The Navy has been directed to come into compliance as detailed in the Order.

The Navy may submit a request for a hearing and contest the NOVO within 20 days of its receipt.

This NOVO is not intended to address matters in the contested case in DOH Docket No. 19-UST-EA-01. This action is the result of the UST compliance inspection under Chapter 11-280.1, HAR, and should not be interpreted as a declaration by DOH of a position in any other matter.

[Click here](#) to download a copy of the NOVO, which provides further detail on the violations.

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